



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Regency Properties Corporation
File: B-234021
Date: February 2, 1989

DIGEST

Protest challenging rejection of offer as late is untimely when filed more than 10 working days after receipt of agency letter rejecting offer.

DECISION

Regency Properties Corporation protests the rejection of its proposal under request for proposals (RFP) No. GS-09B-88936, issued by the General Services Administration for construction of an office building in Oakland, California. The proposal was rejected as late because it was hand-delivered to the contracting officer 2 hours and 20 minutes after the time proposals were due.

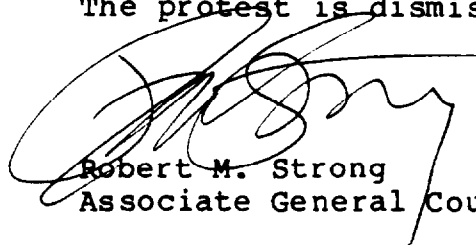
We dismiss the protest.

Proposals were due at 2 p.m. on November 10, 1988. Regency's offer was hand-delivered to the contracting officer at 4:20 p.m. on November 10. The contracting officer notified the protester by letter dated December 1, that its offer was found to be late and therefore could not be considered. The rejection letter was sent by certified mail return receipt requested. Although the month ("12" or December) and year (1988) written on the receipt by the offeror's agent are clear, the day of delivery is illegible. However, since the date on the receipt appears to be a single digit number, it is logical to assume that the letter was received prior to December 10. This is confirmed by Regency's statement in its protest that it received the rejection notice about 3 weeks after November 10. In addition, the Postal Service's date stamp on the return receipt shows that the return receipt was mailed back to the agency on December 15. This protest was filed in our Office on January 3, 1989.

044525/137872

Under our Bid Protest Regulations, a protest based on other than an impropriety in the solicitation must be filed with our Office within 10 working days after the protester knew or should have known the basis for the protest. 4 C.F.R. § 21.2(a)(2) (1988); Circon Acmi, B-229755, Jan. 19, 1988, 88-1 CPD ¶ 51. Here, Regency most likely received the agency's letter notifying it that its offer had been rejected before December 10, and at the latest knew of the rejection by December 15, the date stamped on the return receipt. Since the protest was not filed with our Office until January 3, more than 10 working days after it learned of the rejection, it is untimely.

The protest is dismissed.



Robert M. Strong
Associate General Counsel